IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.13341 OF 2007

Dated : July 09, 2007

Between:

Sriramoju Ramesh

Petitioner

AND

The Sub-Inspector of Police,
Kazipet, Warangal District & and another

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO. 13341 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.APPA RAO)**

Heard the learned Government Pleader for Home appearing for the respondents.

2. This writ petition is taken up on the basis of a 'Telegram', dated 19.06.2007, issued by the petitioner alleging that his father Sriramoju Shekaraiah, was illegally detained from 19.6.2007 by the Sub-Inspector of Police, Kazipet, Warangal District and he apprehends danger to his life.

3. In response to the notice issued by this Court, the respondent No.1- Sub-Inspector of Police, Kazipet Police Station, field counter-affidavit, *inter alia*, stating that the alleged detenue is an accused in Cr. No. 121 of 2007 for the offence under Sec. 420 IPC, registered on the complaint of one Kokkanda Srinivasa Rao. It is also stated that later the matter was settled before the Lok Adalath-cum-IV Additional Munsif Magistrate Court, Warangal, wherein the alleged detenue was acquitted by order dated 27.6.2007. The said order was also enclosed along with the counter. It is also stated that the alleged detenue was also produced before the Mandal Executive Magistrate, Hanamkonda, who recorded his statement, wherein the alleged detenue represented that he was free having settled the matter before the Lok Adalath.

4. In view of the revelations in the counter-affidavit, we do not find any merit in the allegations leveled in the writ petition. Consequently, the writ petition is dismissed at the stage of admission. However, there shall be no order as to costs.

5. Before parting with the matter, we wish to put on record our displeasure about the way in which the statement has been recorded by the Mandal Revenue Inspector, which bas been endorsed by the Tahsildar-cum-Mandal Executive Magistrate, Hanamkonda Mandal.

We only wish that that the Executive Magistrates shall know that they have powers of Magistrate in certain cases and in appropriate cases, like the present one, particularly while recording statements and which are to be recorded by the Mandal Executive Magistrates only, shall not be allowed to be recorded by any other subordinate officer and just contribute seal of approval to such statement. As a matter of fact, such statement, if recorded by the lower staff and attested by the Executive Magistrate, will not and shall not have any credibility or legal sanctity and, therefore, we only advise the concerned officials to take such necessary steps in order to educate the Mandal Revenue Officers, in such matters.

6. Copy of this order be marked to the Principal Secretary (Revenue), Government of Andhra Pradesh, Secretariat, Hyderabad and to all the District Collectors and Superintendents of Police in the State for appropriate instructions in this regard.

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D.S.R.Varma, J.

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D.Appa Rao, J.

July 09, 2007
MAS